



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

BARJESTEH, MICHAEL

Serial No.: 10/635,052

Filed: August 6, 2003

For: **Hand Held Flexible Mount Leak Detector** :

: Group Art Unit: 2875

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: Examiner: Stephen F. Husar

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DECLARATION UNDER 37 CFR §1.131 OF ROBERT CACCIABEVE

I, Robert Cacciabeve, declare that:

1. My home address is 201 Deerlea Lane, Boonton, New Jersey 07005.
2. I have held the position of National Sales Manager for Mastercool, Inc., Randolph, New Jersey, from 1999 to present. From 1997 to 1999, I was National Account Manager for Mastercool, Inc. From 1984 to 1991, I was a District Sales Manager for MacTools and from 1991 through 1997 I was Regional Sales Manager for MacTools. Prior to my employment with MacTools, I was an independent distributor for MacTools. By reason of my experience, I am well acquainted with the field of automotive air conditioning systems and equipment.
3. A significant proportion of Mastercool's business involves automotive air conditioning systems and equipment. My responsibilities as National Sales

Manager for Mastercool include the preparation of customer presentations and marketing material development in this business area. This involves the assessment of new products and their design and modification using among other things various computer software.

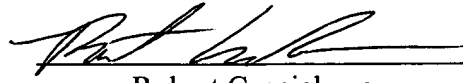
4. At a date prior to July 5, 2001 and at the corporate offices of Mastercool in New Jersey, Michael Barjesteh described to me a leak detector for automotive air conditioning systems. The leak detector he described was hand held and had a handle, a flexible shaft which could be bent into a variety of positions, and a blue/UV light emitting diode or LED. At this time it was known that leaks could be detected by illuminating a dye substance, added to the air conditioning system, with blue/UV light.
5. Prior to July 5, 2001, Michael Barjesteh showed me a working prototype of this hand held leak detector. This prototype had been prepared by Tien-Ching Chang of Sun Wonder Industrial Co., Ltd., 30 Lane 666, Sec 1, Wan-Shou Road, Kwei-Shan Hsang, Tao Yuan, Taiwan under specific instructions from Mastercool and had a blue/UV LED, a flexible shaft, and a handle. The flexible shaft could be bent into a variety of positions relative to the handle which permitted the LED light head to be positioned in a variety of alignments. I physically held the prototype, flexed the shaft, and turned the LED on and off.

6. After seeing and testing the working prototype and after further discussions with Michael Barjesteh, but at a date prior to July 5, 2001, I created a series of computer diagrams. These diagrams did not alter the nature or arrangement of components of the prototype's structure but simply involved style and appearance changes relating primarily to the handle of the device.
7. One set of computer diagrams that I created are shown in Exhibit B-1 which is a Microsoft Word screen print, and Exhibit B-2, which is a print of the Microsoft Word document with dates masked. These diagrams were last modified by me on at a date prior to July 5, 2001, which is shown in Exhibit B-3, a screen print with dates masked of the properties of the computer document shown in Exhibits B-1 and B-2.
8. A second set of computer diagrams that I created are shown in Exhibit B-4, which is a Microsoft Word screen print, and Exhibit B-5 which is a print of the Microsoft Word document with dates masked. These diagrams were last modified by me at a date prior to July 5, 2001, which is shown in Exhibit B-6, a screen print with dates masked of the properties of the computer document shown in Exhibits B-4 and B-5.
9. A third set of computer diagrams that I created are shown in Exhibit B-7, which is a Microsoft Word screen print, and Exhibit B-8, which is a print of the Microsoft Word document with dates masked. These diagrams were last modified by me at a date prior to July 5, 2001, as shown in Exhibit B-9, which is a screen print with

dates masked of the properties of the computer document shown in Exhibits B-7 and B-8.

10. The sets of the computer diagrams of the different handle configurations of Michael Barjesteh's hand held flexible leak detector shown in Exhibits B-1, B-2, B-4, B-5, B-7, and B-8 include the light head with an LED, a flexible shaft, and a handle. The flexible shaft is shown bent into a variety of angular positions relative to the handle which permits the LED light head to be positioned in a variety of alignments. These were all completed at a date prior to July 5, 2001.
11. I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issued thereon, or any patent to which this verified statement is directed.

Date: 7/13/04


Robert Cacciabeve